

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HELLO FARMS LICENSING MI, LLC,

Plaintiff,

v.

Case No. 21-cv-10499
Hon. Matthew F. Leitman

GR VENDING MI, LLC, *et al.*,

Defendants.

ORDER ADDRESSING REQUESTS FILED BY PLAINTIFF

On January 10, 2025, the Court held an on-the-record status conference to discuss several requests that Plaintiff Hello Farms Licensing MI, LLC filed in this case. (*See* Reqs., ECF Nos. 204, 205, 207, 208.) For the reasons explained on the record during the status conference, the requests are resolved as follows:

- With respect to Hello Farms’ “Request for Ruling on Witness Appearances” (ECF No. 204), the Court will proceed on the premise that all witnesses identified in that request will appear at trial in person. In the event that a witness is not able to attend trial in person, the Court will take steps to ensure that each party has a sufficient opportunity to adjust its trial strategy to accommodate that change in appearance.
- With respect to Hello Farms’ “Request for Ruling on Opening Statements” (ECF No. 205), Hello Farms shall immediately produce to Defendants a

list identifying the roughly 10 exhibits that Hello Farms intends to use during its opening statement. The parties shall then conduct a substantive meet and confer in an effort to resolve any objections Defendants may have to the use of any of those exhibits.

- With respect to Hello Farms’ “Request for Ruling on Admissions” (ECF No. 207), the Court resolves that request as follows. First, as to the portion of the request related to the 2020 test results, Hello Farms may seek to admit all of the 2020 Certificates of Analysis (“COAs”) through a single exhibit and through a witness who can lay the proper foundation for the admission of that evidence. Defendants will not be permitted to present evidence that contradicts the testimony of their Federal Rule of Civil Procedure 30(b)(6) witness who testified that all COAs received from Brian Farah were passing COAs. However, nothing in this ruling shall prevent Defendants from arguing that Hello Farms has not carried its burden to show that the 2020 harvest was not of sufficient quality. Second, as to the portion of the request related to the “2021 Weight from METRC Data,” Hello Farms shall be permitted to admit this evidence related to the weight of the 2021 harvest in a single exhibit through a witness who can lay a proper foundation for the admission of that evidence. Defendants cannot present evidence disputing this weight evidence presented by Hello

Farms *unless* (1) the evidence was produced *after* the deposition of Defendants' Rule 30(b)(6) witness and/or (2) the evidence was initially designated confidential and/or "attorneys eyes only" such that it could not have been made available to Defendants' Rule 30(b)(6) witness prior to his deposition.

- Finally, with respect to Hello Farms' "Request for Ruling on Spoliation" (ECF No. 208), the Court will allow Defendants to file a written response to that request, and the Court will issue a ruling on the request after it has the opportunity to review that response.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 10, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 10, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126